



Attorney Docket: 951/49628
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2632
AF/1
#14
RECEIVED

AUG 06 2003

Technology Center 2600

Applicant: WERNER ZAGLER
Serial No.: 09/803,360 Group Art Unit: 2632
Filed: MARCH 12, 2001 Examiner: Julie Bichngoc Lieu
Title: METHOD AND SYSTEM FOR FACILITATING ENTRY INTO
OR OUT OF A MOTOR VEHICLE

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated June 3, 2003.

Initially, the Examiner's Answer indicated that Appellant's opening brief did not contain a statement identifying the related appeals and interferences. Appellant points out that such a statement was contained at the bottom of page 1 of its brief.

The Examiner's Answer also maintains that claims 1-4 and 5-9 stand or fall together allegedly because Appellant's brief does not include a statement that this grouping of claims does not stand or fall together and provide reasons in support thereof. Appellant respectfully disagrees as such a statement is contained at the bottom of page 3 of the Office Action and the reasons in support thereof are explicitly provided in separate argument sections in the brief.

Regarding the Examiner's first response to Appellant's arguments, it is respectfully submitted DE '512 does not disclose lowering a window upon the occurrence of both the unlock command and the opening of the vehicle door. Rather, DE '512, as can be seen from the right-hand portion of its Figure 2 flow chart, does not lower the window upon receiving an unlock command and opening the door. Rather, as can be seen from the left-hand side of Figure 2, an additional action of holding the door handle grip open for a predetermined time frame is required before the window is lowered.

Regarding the Examiner's second response to Appellant's arguments, it appears the Examiner does not fully understand the operation of DE '512 as it is argued that the reference discloses a delay period "of one minute after the door handle has been operated" before the window is operated. This, however, is not correct in that DE '512 requires the additional action of holding the door grip open to occur for the time period of, for example, one extra second, before the window is lowered. It appears the Examiner has presumed that it is "just a matter of time" after opening the door that the window will be lowered in DE '512. Of course, this is not the case, it will only be lowered if the additional action occurs after opening the door.

Finally, regarding the Examiner's response to Appellant's third argument, Appellant submits the Examiner's "inherency" argument with respect to an "anti-squeeze device" is incorrect as a matter of law. The terms of the claims should be interpreted in accordance with their ordinary and customary meaning in the field of art, which meaning can be determined by the intrinsic evidence, including the specification, claims and prosecution history. Regardless of what

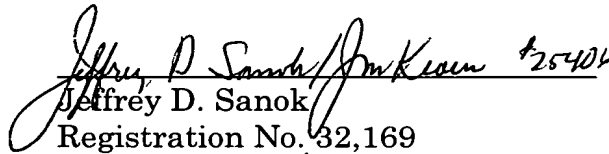
the "anti-squeeze device" is, those of skill in the art in the automotive field will readily understand that it is not merely the complete closing of the window such that the window is contained by the door frame and seal. Accordingly, the Examiner's inherency argument must fail.

In view of the foregoing reasons, Appellant respectfully requests that the final rejection be reversed and the application allowed. Along with this Reply Brief, a Request for Oral Hearing along with the required fee are submitted.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 05-1323 (Docket #951/49628).

Respectfully submitted,

August 4, 2003


Jeffrey D. Sanok
Registration No. 32,169

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

JDS:pct